

## **Assembly Bill No. 1077**

### **CHAPTER 455**

An act to amend Section 2836.1 of the Business and Professions Code, relating to nursing, and making an appropriation therefor.

[Approved by Governor September 12, 1996. Filed  
with Secretary of State September 13, 1996.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1077, Hannigan. Nursing.

Existing law, the Nursing Practice Act, provides for the certification of nurse practitioners and authorizes them to furnish drugs and devices incidental to the provision of family planning services and to essentially healthy persons in certain listed health facilities, among others, pursuant to a standardized procedure.

Existing law provides that the furnishing of drugs or devices by nurse practitioners is conditional on the issuance of a number to the nurse practitioner by the Board of Registered Nursing that indicates that the nurse practitioner has completed certain requirements. Under existing law the board is authorized to charge a fee for the issuance of these numbers for deposit in the Board of Registered Nursing Fund, a continuously appropriated fund.

This bill would instead authorize nurse practitioners to furnish drugs and devices in certain circumstances, in accordance with standardized procedures or protocols developed by the nurse practitioner and his or her supervising physician and surgeon, and would require the nurse practitioner to function pursuant to a standardized procedure, as defined, or protocol. The bill would define the term "furnishing."

The bill would provide that these provisions and other provisions of law would not authorize a nurse practitioner in solo practice to furnish drugs or devices.

By expanding the circumstances in which nurse practitioners are authorized to furnish dangerous drugs and devices this bill would increase the number of practitioners who would be required to obtain a number from the board and pay the appropriate fee. This would therefore increase the amount of moneys to be deposited in the continuously appropriated fund, thereby constituting an appropriation.

Under existing law nurse practitioners are prohibited from furnishing controlled substances under the Uniform Controlled Substances Act.

This bill would authorize nurse practitioners to furnish Schedule III through Schedule V controlled substances under the Uniform Controlled Substances Act.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2836.1 of the Business and Professions Code is amended to read:

2836.1. Neither this chapter nor any other provision of law shall be construed to prohibit a nurse practitioner from furnishing drugs or devices when all of the following apply:

(a) The drugs or devices are furnished by a nurse practitioner in accordance with standardized procedures or protocols developed by the nurse practitioner and his or her supervising physician and surgeon under any of the following circumstances:

(1) When furnished incidental to the provision of family planning services.

(2) When furnished incidental to the provision of routine health care or prenatal care.

(3) When rendered to essentially healthy persons.

(b) The nurse practitioner is functioning pursuant to standardized procedure, as defined by Section 2725, or protocol. The standardized procedure or protocol shall be developed and approved by the supervising physician and surgeon, the nurse practitioner, and the facility administrator or his or her designee.

(c) The standardized procedure or protocol covering the furnishing of drugs or devices shall specify which nurse practitioners may furnish drugs or devices, which drugs or devices may be furnished, under what circumstances, the extent of physician and surgeon supervision, the method of periodic review of the nurse practitioner's competence, including peer review, and review of the provisions of the standardized procedure.

(d) The furnishing of drugs or devices by a nurse practitioner occurs under physician and surgeon supervision. Physician and surgeon supervision shall not be construed to require the physical presence of the physician, but does include (1) collaboration on the development of the standardized procedure, (2) approval of the standardized procedure, and (3) availability by telephonic contact at the time of patient examination by the nurse practitioner.

(e) For purposes of this section, no physician and surgeon shall supervise more than four nurse practitioners at one time.

(f) Drugs or devices furnished by a nurse practitioner may include Schedule III through Schedule V controlled substances under the California Uniform Controlled Substances Act, (Division 10 (commencing with Section 11000) of the Health and Safety Code) and shall be further limited to those drugs agreed upon by the nurse

practitioner and physician and surgeon and specified in the standardized procedure. When Schedule III controlled substances, as defined in Section 11056 of the Health and Safety Code, are furnished by a nurse practitioner, the controlled substances shall be furnished in accordance with a patient-specific protocol approved by the treating or supervising physician. A copy of the section of the nurse practitioner's standardized procedure relating to controlled substances shall be provided upon request, to any licensed pharmacist who dispenses drugs or devices, when there is uncertainty about the nurse practitioner furnishing the order.

(g) The board has certified in accordance with Section 2836.3 that the nurse practitioner has satisfactorily completed (1) at least six month's physician and surgeon-supervised experience in the furnishing of drugs or devices and (2) a course in pharmacology covering the drugs or devices to be furnished under this section. The board shall establish the requirements for satisfactory completion of this subdivision.

(h) Use of the term "furnishing" in this section, in health facilities defined in subdivisions (b), (c), (d), (e), and (i) of Section 1250 of the Health and Safety Code, shall include (1) the ordering of a drug or device in accordance with the standardized procedure and (2) transmitting an order of a supervising physician and surgeon.

(i) Nothing in this section, nor any other provision of law, shall be construed to authorize a nurse practitioner in solo practice to furnish drugs or devices, under any circumstances.

